

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DONALD HUBAND,

Petitioner,

vs.

No. CIV 12-805 WJ/ACT

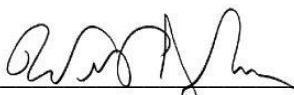
**TIMOTHY HATCH, Warden, and
GARY K. KING, New Mexico
Attorney General,**

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

THIS MATTER comes before the Court on the Report and Recommendation of United States Magistrate Judge Alan C. Torgerson, filed May 21, 2013 [Doc. 21], regarding Respondents' Motion To Dismiss Petition Without Prejudice [Doc. 19]. Objections were due on June 7, 2013. The parties did not file any objections.

IT IS THEREFORE ORDERED, that the Magistrate Judge's Report and Recommendation [Doc. 21] is adopted and Respondents' Motion To Dismiss Petition Without Prejudice [Doc. 19] is GRANTED. Huband's Petition is dismissed in its entirety, without prejudice, unless, within twenty (20) days of the entry of this Order, Huband chooses to and does amend his Petition to present only his exhausted claims.



WILLIAM P. JOHNSON
United States District Judge